

REMARKS**Specification**

The amendment filed on November 16, 2006 is objected to under 35 U.S.C. 132(a). The Examiner has alleged that the amendment introduces new matter.

§ 112 Rejections

Claims 1 and 19 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards (or Applicants regard) as the invention.

As explained in the response submitted November 20, 2006, p. 4, lines 21-24 of Applicant's patent application specifically incorporates by reference Lu et al., U.S. Patent No. 5,175,030 and Lu, U.S. Patent No. 5,183,597, the same Lu patents which as discussed again on p. 11 of Applicant's patent application. In accordance with 37 CFR 1.57(b) and (c), "essential material" may be incorporated by reference, but only by an incorporation by reference to a U.S. patent." The amendment to the specification requested to p. 11 of Applicant's specification in the response submitted November 20, 2006 complies with 37 CFR 1.57(f). The Applicant submits that the insertion of the phrase "solvent-free" on p. 11 is material previously incorporated by reference and therefore this amendment contains no new matter.

The Applicant also notes that it is evident that all the polymerizable resin compositions described on pp. 14-15 of Applicant's patent application did not contain any solvent, and thus such compositions are inherently solvent-free.

§ 103 Rejections

Claims 1-7, 9-13 and 19 stand rejected under 35 USC § 103(a) as being unpatentable over Olson et al. (US 6261700) in view of Williams (US 5626800) and further in view of Martens (US 4576850).

As previously discussed, Olson et al. describes ceramer (also referred to as “hardcoat”) **coatings and substrates containing such coatings**. The compositions comprise inorganic oxide particle and polymerizable brominated compounds. One possible substrate that such coating may be applied to is a “microstructured” substrate (such as described at column 20, lines 45+ of Olson et al.). At column 20, lines 34+, Olson et al. also describes that, “The substrate can be a component of a light management device e.g. in the form of a film, sheet, prism . . .” Accordingly, Olson et al teaches **coating a prism** with such ceramer compositions.

Coating a prism, however, is not the same as making prisms from such polymerizable compositions, as set forth in independent claim 1. When a prism is coated, *only the coated surface* of the prism consists of such composition. However, when prisms are prepared from a polymerizable composition, *the entire prism* consists of such composition.

Is there a suggestion to remove the solvent from the composition of Olson et al.?

At column 16, lines 31-37, Olson et al. states that, “Solvent can be included in the ceramer composition in any amount useful to provide a ceramer solution that can be processed and coated to a useful degree. In general, the solids content of the ceramer solution can be anywhere in the range from about 5-99 weight percent solids, preferably from about 10-70 wt %, more preferably from about 30 to about 65 wt % solids, based on the total ceramer solution.” Accordingly, based on the teachings of Olson et al. the solvent is a critical component such that the composition can be processed and coated (at the desired thickness). The removal of the solvent would result in composition being unsuitable for its intended use . . . i.e. as a coating. Thus, Olson et al. teaches away from polymerizable compositions that are solvent-free.

Is there a motivation to combine Olson et al. with Williams or Martens?

As previously discussed, Olson et al. concerns ceramer (“hardcoat”) coating compositions. Williams, Martens, and the present application describe polymerizable compositions suitable for preparing prisms by depositing a polymerizable composition onto a

microstructured molding surface. Accordingly, although Williams and Martens are analogous art references, Olson et al. is not an analogous art reference. There is no motivation based on the references themselves to remove the solvent from the ceramer coating compositions of Olson et al. and then employ such compositions in the cast and cure process, such as described in Williams and Martens (and Lu).

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Does Olson teach a polymerizable composition having all the claim limitations?

Claims 1 and 19 each describe a solvent-free polymerizable resin consisting essentially of

- a) one or more first monomers (as set forth in the claims)
- b) at least 25 wt-% of a second monomer consisting of 2,4,6-tribromophenoxyethyl (meth)acrylate;
- c) from about 5 wt-% to about 30 wt-% of a crosslinking agent selected from the group consisting of pentaerythritol tri(meth)acrylate, pentaerythritol tetra(meth)acrylate, trimethylolpropane tri(meth)acrylate, and mixtures thereof;
- d) optionally a monofunctional diluent; and
- e) optionally a photoinitiator;

The language “consisting essentially of” excludes components that would materially affect the properties of the composition. Based on the declaration of David B. Olson, it is clear that the inclusion of solvent would materially affect the suitability of the composition to be useful for preparing a microstructured prism film with a cast and cure process.

The ceramer coating compositions of Olson et al. also necessarily comprise inorganic oxide particles. As described at column 15, lines 58-62, "Depending on the application, preferred ceramer compositions may contain 25 to 45 parts by weight, more preferably about 30 to 40 parts by weight inorganic oxide particle based on 100 parts by weight ceramer solids." The inclusion of appreciable amounts of inorganic oxide particles would also materially affect the properties of the composition.

For these reasons, the polymerizable composition of Olson et al. does not meet the compositional features of Applicant's claims

According to MPEP 706.02(j), to establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second there must be reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

The Applicants submits that there is no motivation to combine Olson et al. with Martens and/or Williams. None of the references cited by the Examiner teach the claimed polymerizable resin composition. The motivation to modify Olson et al. by removing the solvent is NOT based on the references themselves. Reconsideration and a timely allowance are respectfully requested.

Respectfully submitted,

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Date

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